

FRIDAY, JUNE 29, 2001

FIFTY-NINTH LEGISLATIVE DAY

The House met at 10:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Shaw.

Representative Shaw led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....98

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Bowers; family death.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Resolution No. 173:** Rep(s). Naifeh as prime sponsor(s).

**House Joint Resolution No. 584:** Rep(s). Givens as prime sponsor(s).

**DELAYED BILLS REFERRED**

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 2038, was/were referred to the Delayed Bills Committee.

**\*House Bill No. 2038** -- Appropriations - Appropriates funds for 2001-2002. by \*Kisber. (SB2000 by \*Henry, \*Atchley, \*Crutchfield)

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 899** -- Child Custody and Support - Expands sources of payment of mediation and education under parenting plans to include other available funds, in addition to federal, state, and local funds. Amends TCA Title 36, Chapter 6, Part 4. by \*Harper, \*Fowler, \*Haynes, \*Trail. (HB1334 by \*Buck, \*Walker, \*Patton, \*Black, \*Boyer, \*Dunn, \*Clem, \*Odom, \*Kernell, \*Turner (Davidson), \*Bowers)

**\*Senate Bill No. 1475** -- Taxes, Sales - Increases, from \$500 to \$750, threshold for exchange of sales and use tax transactions with other states under reciprocity agreement. Amends TCA Title 7; Title 12; Title 30; Title 57 and Title 67. by \*Dixon. (HB1283 by \*Jones, S., \*Garrett)

**\*Senate Bill No. 1808** -- Taxes - Enacts "The Tax Relief and Reform Act of 2001." Amends TCA Title 7; Title 12; Title 30; Title 57 and Title 67. by \*Clabough. (HB1873 by \*Head, \*Rinks)

**CONSENT CALENDAR**

**House Resolution No. 172** -- Memorials, Academic Achievement - Tamara Young. by \*Brooks.

**House Joint Resolution No. 584** -- Memorials, Public Service - Dr. Vernon Coffey. by \*Winningham, \*Roach, \*Whitson, \*Davis (Cocke).

**Senate Joint Resolution No. 454** -- Memorials, Academic Achievement - Sue T. Amos. by \*Wilder.

**Senate Joint Resolution No. 455** -- Memorials, Retirement - Henry D. "Hank" Pierce. by \*Kyle, \*Rochelle, \*Harper, \*Haynes, \*Henry, \*Kurita.

Rep. Winningham moved that all members voting aye on House Joint Resolution No. 584 be added as sponsors, which motion prevailed.

Rep. Brooks moved that all members voting aye on House Resolution No. 172 be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	97
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

## REGULAR CALENDAR

**\*House Bill No. 1515** -- TennCare - Requires any waiver submitted pursuant to recommendation of long-term care services planning council to allocate funds equitably between urban and rural areas. Amends TCA Title 4; Title 56; Title 68 and Title 71. by \*Head. (SB1758 by \*Haun, \*Burks)

Further consideration of House Bill No. 1515 previously considered on June 23, 2001 and June 26, 2001, at which time it was reset for today's Calendar.

Rep. Head moved that House Bill No. 1515 be reset for the Regular Calendar on July 12, 2001, which motion prevailed.

**House Bill No. 1283** -- Taxes, Sales - Increases, from \$500 to \$750, threshold for exchange of sales and use tax transactions with other states under reciprocity agreement. Amends TCA Title 7; Title 12; Title 30; Title 57 and Title 67. by \*Jones, S., \*Garrett. (\*SB1475 by \*Dixon)

Further consideration of House Bill No. 1283 previously considered on June 23, 2001, June 24, 2001 and June 27, 2001, at which time it was reset for today's Calendar.

Rep. S. Jones requested that House Bill No. 1283 be moved to the heel of the Message Calendar.

**MESSAGE CALENDAR**

**HOUSE ACTION ON SENATE MESSAGE**

**House Bill No. 1678** -- Gambling - Redefines criminal offense of gambling to clarify that any form of casino gambling is prohibited; clarifies that lotteries do not include electronic or electromechanical forms of casino gambling. Amends TCA Title 39, Chapter 17, Part 5. by \*Maddox, \*McDaniel, \*Fitzhugh, \*Boyer, \*Ridgeway, \*Shepard, \*Pinion, \*Roach, \*McKee, \*Briley, \*Vincent. (\*SB1717 by \*McNally, \*Herron, \*Williams, \*Miller J, \*Burks)

Rep. Head moved that House Bill No. 1678 be reset for the Supplemental Message Calendar on June 29, 2001, which motion prevailed.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 1283** -- Taxes, Sales - Increases, from \$500 to \$750, threshold for exchange of sales and use tax transactions with other states under reciprocity agreement. Amends TCA Title 7; Title 12; Title 30; Title 57 and Title 67. by \*Jones, S., \*Garrett. (\*SB1475 by \*Dixon)

Further consideration of House Bill No. 1283 previously considered on today's Calendar.

Rep. S. Jones requested that House Bill No. 1283 be moved to the heel of the Supplemental Message Calendar.

**ANNOUNCEMENTS**

**RULES SUSPENDED**

Rep. Montgomery moved that the rules be suspended for the purpose of introducing House Resolution No. 173 out of order, which motion prevailed.

**House Resolution No. 173** -- Memorials, Death - Cliff Davis, former Sevierville Mayor and Alderman. by \*Montgomery, \*Naifeh.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Montgomery, the resolution was adopted.

A motion to reconsider was tabled.

**RECESS MOTION**

On motion of Rep. Davidson, the House stood in recess until 1:30 p.m.

**RECESS EXPIRED**

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

**ROLL CALL DISPENSED WITH**

On motion of Rep. McDaniel, the roll call was dispensed with.

**RECESS MOTION**

On motion of Rep. Davidson, the House stood in recess until 4:00 p.m.

**REPORTS FROM STANDING COMMITTEES**

The committees that met on **June 29, 2001**, reported the following:

**FINANCE, WAYS AND MEANS**

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 1943 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

**COMMITTEE ON CALENDAR AND RULES**

The Calendar and Rules Committee met and set the following bill(s) on the **Supplemental Regular Calendar for June 29, 2001**: House Bill(s) No(s). 925, 934, 968, 26, 1727 and 1943.

The Committee set the following bill(s) and/or resolution(s) on the **Supplemental Consent Calendar for June 29, 2001**: House Joint Resolution(s) No(s). 460, House Bill(s) No(s) 2020 and House Joint Resolution(s) No(s). 581.

**RECESS EXPIRED**

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

**ROLL CALL DISPENSED WITH**

On motion of Rep. Davidson, the roll call was dispensed with.

**RECESS MOTION**

On motion of Rep. Davidson, the House stood in recess until 5:00 p.m.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 460:** Rep(s). Ridgeway and Shepard as prime sponsor(s).

**MESSAGE FROM THE SENATE**

**June 29, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 456 and 457; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Joint Resolution No. 456** -- Memorials, Death - James LaFayette Bomar, Jr. by \*Trail, \*Henry.

**Senate Joint Resolution No. 457** -- Memorials, Sports - Holly Warlick, Women's Basketball Hall of Fame. by \*Burchett, \*Atchley.

**MESSAGE FROM THE SENATE**

**June 29, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 76; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**\*Senate Bill No. 76** -- Sunset Laws - Housing development authority, board of directors, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 13, Chapter 23. by \*Harper. (HB934 by \*Kernell, \*Brooks, \*Cooper B)

**MESSAGE FROM THE SENATE**

**June 29, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1385, as requested.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 29, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1828; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 29, 2001**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 40, 87, 144, 327 and 579; all concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**ENGROSSED BILLS**

**June 29, 2001**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 584.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS**

**June 29, 2001**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 40, 87, 144, 327, 579; also, House Resolution(s) No(s). 172 and 173.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**June 29, 2001**

The Speaker signed the following: House Joint Resolution(s) No(s). 40, 87, 144, 327, 579; also, House Resolution(s) No(s). 172 and 173.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**June 29, 2001**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 40, 87, 144, 327 and 579; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 29, 2001**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 585; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**ENROLLED BILLS**

**June 29, 2001**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 585.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**June 29, 2001**

The Speaker signed the following: House Joint Resolution(s) No(s). 585.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**June 29, 2001**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 585; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

**June 29, 2001**

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 585.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**June 29, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 454 and 455; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**SIGNED**

**June 29, 2001**

The Speaker signed the following: Senate Joint Resolution(s) No(s). 454 and 455.



**MESSAGE FROM THE SENATE**

**June 29, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1618.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**ENROLLED BILLS**

**June 29, 2001**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 1618.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**June 29, 2001**

The Speaker signed the following: House Bill(s) No(s). 1618.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**June 29, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1618; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

**June 29, 2001**

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 1618.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

## RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Supplemental Consent Calendar for June 29, 2001:

**House Resolution No. 174** -- Memorials, Recognition - Mound Bayou, Mississippi, by \*Langster, \*Jones U (Shelby), \*Armstrong, \*Brown, \*DeBerry L, \*Cooper B, \*Miller L, \*Brooks.

**House Resolution No. 175** -- Memorials, Congratulations - Barbara Riggs, nominee for 2001 Tennessee Mother of the Year. by \*Hagood.

**House Joint Resolution No. 586** -- Memorials, Sports - Trenton Lavar Hassell, Chicago Bulls signee. by \*Head, \*McMillan.

**House Joint Resolution No. 587** -- Memorials, Recognition - Boy Scouts of America. by \*Winningham, \*Rinks, \*Sands, \*White, \*Shepard, \*Davis (Cocke), \*Whitson.

## SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Supplemental Consent Calendar for June 29, 2001:

**Senate Joint Resolution No. 456** -- Memorials, Death - James LaFayette Bomar, Jr. by \*Trail, \*Henry.

**Senate Joint Resolution No. 457** -- Memorials, Sports - Holly Warlick, Women's Basketball Hall of Fame. by \*Burchett, \*Atchley.

## RECESS EXPIRED

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

## ROLL CALL

The roll call was taken with the following results:

Present.....98

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Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

### SUPPLEMENTAL CONSENT CALENDAR

**House Joint Resolution No. 460** -- Naming and Designating - Designates July 7, 2001, as Veterans Memorial Dedication Day. by \*Bone.

**\*House Bill No. 2020** -- Utilities, Utility Districts - Deletes current statutory requirement for customer election to approve increased per diem for commissioners of water and sewer utility district in Scott County. Amends TCA Section 7-82-308(f). by \*Winningham. (SB1986 by \*Davis L)

**\*House Joint Resolution No. 581** -- General Assembly, Studies - Creates special joint committee to determine if economic/market benefits exist in Tennessee's health insurance market for persons or entities that have not participated in TennCare. by \*McDaniel.

**House Resolution No. 174** -- Memorials, Recognition - Mound Bayou, Mississippi. by \*Langster, \*Jones U (Shelby), \*Armstrong, \*Brown, \*DeBerry L, \*Cooper B, \*Miller L, \*Brooks.

**House Joint Resolution No. 586** -- Memorials, Sports - Trenton Lavar Hassell, Chicago Bulls signee. by \*Head, \*McMillan.

**House Joint Resolution No. 587** -- Memorials, Recognition - Boy Scouts of America. by \*Winningham, \*Rinks, \*Sands, \*White, \*Shepard, \*Davis (Cocke), \*Whitson.

**House Resolution No. 175** -- Memorials, Congratulations - Barbara Riggs, nominee for 2001 Tennessee Mother of the Year. by \*Hagood.

**Senate Joint Resolution No. 456** -- Memorials, Death - James LaFayette Bomar, Jr. by \*Trail, \*Henry.

**Senate Joint Resolution No. 457** -- Memorials, Sports - Holly Warlick, Women's Basketball Hall of Fame. by \*Burchett, \*Atchley.

**OBJECTION -- SUPPLEMENTAL CONSENT CALENDAR**

Objection(s) was/were filed to the following on the Supplemental Consent Calendar:

**House Bill No. 2020:** by Rep. Winningham

Under the rules, House Bill(s) No(s). 2020 was/were placed at the foot of the calendar for July 5, 2001.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Supplemental Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Supplemental Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....97  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**SUPPLEMENTAL REGULAR CALENDAR**

**\*House Bill No. 1943** -- Appropriations - Appropriates funds to fund state government in fiscal years 2000-2002. by \*McDaniel, \*Kisber. (SB1914 by \*Henry, \*Atchley)

Rep. Kisber requested that House Bill No. 1943 be moved to the heel of the Calendar.

**House Bill No. 925** -- Sunset Laws - Board for licensing health care facilities, June 30, 2003. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 11. by \*Kernell, \*Brooks, \*Cooper B. (\*SB54 by \*Harper, \*Dixon)

On motion, House Bill No. 925 was made to conform with **Senate Bill No. 54**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 54 be passed on third and final consideration.

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On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1.

Rep. Kernell moved that **Senate Bill No. 54** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	97
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 934** -- Sunset Laws - Housing development authority, board of directors, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 13, Chapter 23. by \*Kernell, \*Brooks, \*Cooper B. (\*SB76 by \*Harper)

On motion, House Bill No. 934 was made to conform with **Senate Bill No. 76**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 76 be passed on third and final consideration.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1.

Rep. Kernell moved that **Senate Bill No. 76** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	97
Noes .....	0
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

Representatives present and not voting were: Tidwell -- 1.

A motion to reconsider was tabled.

**House Bill No. 968** -- Administrative Procedure (UAPA) - Extends certain agency rules scheduled to expire pursuant to UAPA. by \*Kernell, \*Brooks, \*Cooper B. (\*SB805 by \*Harper)

Rep. Kernell moved that House Bill No. 968 be passed on third and final consideration.

Rep. Kernell moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 968 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 1 was adopted.

Rep. Kernell moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 968 By adding the following as a new section to precede the effective date section:

SECTION \_\_\_\_\_. (a) No changes in adult to child ratios for "2 years (24-month-35) months" pursuant to Rules 1240-4-3-.07(4)(e)(2)(i), as described in the Grouping and Adult:Child Ratio Charts in part 9, that were enacted by public necessity rule on July 1, 2000, and by permanent rule on December 13, 2000, and which are scheduled to become effective on July 1, 2001, shall be implemented or become operational.

(b) The adult to child ratios for "2 years (24-month-35) months" pursuant to Rule 1240-4-3-.07(4)(e)(1), as described in the Grouping and Adult:Child Ratio Charts in parts 7 and 8, that were enacted by public necessity rule on July 1, 2000, and by permanent rule on December 13, 2000, and which are scheduled to become effective on July 1, 2001, shall remain in effect until such rule is later amended, repealed or superseded by law.

(c) The change in adult to child ratio rules for the "2 year" old category from one (1) adult to every eight (8) children to one (1) adult for every seven (7) children, contained in department of human services Rule 1240-4-6-.07(4)(f), part 1, of the licensure Rules for Child Care Centers Serving School-Age Children, enacted by public necessity rule on July 1, 2000, and by permanent rule on December 13, 2000, and which is scheduled to become effective on July 1, 2001, shall not take effect and the present ratio in effect upon the effective date of this act for the "2 year" old category, one (1) adult to every eight (8) children, shall remain in effect until such rule is later amended, repealed or superseded by law.

On motion, Amendment No. 2 was adopted.

Rep. Kernell moved that **House Bill No. 968**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	2

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Chumney, Godsey -- 2.

A motion to reconsider was tabled.

**\*House Bill No. 26** -- Motor Vehicles - Increases from 200 to 250 feet distance required for clear view of vehicle parked on highway outside business or residential district. Amends TCA Title 55. by \*Turner (Davidson), \*Odom. (SB423 by \*Trail)

Further consideration of House Bill No. 26 previously considered on June 23, 2001 and June 25, 2001, at which time it was reset for today's Calendar.

Rep. Turner (Davidson) moved that House Bill No. 26 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 26 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-50-321(c), as amended by Chapter 158 of the Public Acts of 2001, is amended by deleting subdivision (1)(B) in its entirety and by substituting instead the following:

(1)(B) Any applicant who does not have, or who states that the applicant has never been issued, a social security number required by subdivision (1)(A) shall complete an affidavit, under penalty of perjury, affirming that the applicant has never been issued a social security number and submit a copy of one of the following documents:

(i) The Individual Taxpayer Identification Number (ITIN) issued by the Internal Revenue Service resulting from the submission of a Form W-7 to the Internal Revenue Service; or

(ii) Any one of the following most recent documents issued to the applicant by the Immigration and Naturalization Service:

(a) Form I-94;

(b) Employment Authorization Document (E.A.D.); or

(c) I-551.



(C) In addition to submitting the information required pursuant to subdivision (1)(B), an applicant meeting the requirements of subdivision (1)(B) shall also provide acceptable proof of Tennessee residency which shall consist of providing two (2) documents, including but not limited to the following, which must include the applicant's name or the name of the applicant's spouse, if the applicant has a spouse, or if the applicant is a minor the name of a parent or legal guardian:

(i) Utility bill, including telephone service, showing a valid Tennessee residence address;

(ii) Bank statement showing a valid Tennessee residence address;

(iii) Rental contract or receipt showing a valid Tennessee residence;

(iv) Employer verification acceptable by the department;

(v) Life or health insurance policy showing a valid Tennessee residence; or

(vi) Driver license issued by the state of Tennessee to a parent, legal guardian or spouse.

If a student is enrolled in a public or private education institution in Tennessee, the student may provide a photo student identification and documentation acceptable to the department that the student resides on campus.

SECTION 2. Tennessee Code Annotated, Section 55-50-102, is amended by deleting item (41) in its entirety and by substituting instead the following language:

(41) "Resident" means a person who has a home or abode in Tennessee to which, whenever such person is absent, such person has the intention of returning. If a person has a home or abode in Tennessee, for the purposes of this chapter, there is a rebuttable presumption that a person is a resident of Tennessee if at least one (1) of the following applies to such person:

(A) A person is employed or engages in any trade, profession or occupation in Tennessee;

(B) A person is a student in a private or public higher education institution in Tennessee;

(C) A person enrolls his or her child or children to be educated in the private or public schools of Tennessee; or

(D) A person who, except for infrequent, brief absences, has been present in Tennessee for thirty (30) or more days immediately prior to making application;

provided that no person shall be considered a resident of Tennessee for purposes of this chapter unless such person is either a United States citizen or an alien with documentation from the U. S. Government;

SECTION 3. Tennessee Code Annotated, Section 55-50-321, as amended by Chapter 700 of the Public Acts of 2000, is further amended by adding the following language at the end of subsection (a):

In addition to such fee, a ten dollar (\$10.00) non refundable fee, which shall constitute expendable receipts of the department, shall be assessed to an applicant at the time such person applies to retake either the written or skills portion of the examination for a driver license which such person failed. These expendable receipts shall be utilized by the department for additional personnel, supplies, space requirements, or other operational expenditures, in order to carry out the provisions of this act. The department shall impose a reasonable waiting period of time before a person is authorized to retake the portion or portions of such examination which such person failed.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 3 was adopted.

Rep. Rowland moved adoption of Amendment No. 4 as follows:

**Amendment No. 4**

AMEND House Bill No. 26 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 55-50-321(c), is amended by deleting subdivision (1), as amended by Chapter 158 of the Public Acts of 2001, in its entirety and by substituting instead the following:

(1) Every application shall state the full name, date and place of birth, sex, county of residence, residence address, including the street address and number or route and box number (or post office box number if the applicant has no bona fide residential street address) of applicant, height, weight, hair and eye color, social security number, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of, and reason for, such suspension, revocation, or refusal, and such other information as the department may require to determine the applicant's identity, competency, and eligibility. The information regarding the applicant's social security number shall be maintained in the records of the department of safety for use as required by any provisions of state or federal law relative to child support establishment or enforcement or for such other purposes as may be required by law.

If the department allows the use of a number other than the social security number on the face of the license, and the social security number obtained on the application is kept on file with the department, the department shall so advise the applicant. Any applicant for a Tennessee driver license who desires the assistance of an interpreter in order to make application for a license and complete the required application shall be responsible for procuring such assistance; provided, that nothing contained within the provisions of this part shall be construed or implemented in any manner which violates the provisions of the Americans With Disabilities Act, 42 U.S.C. § 12101 *et seq.*

SECTION 2. Tennessee Code Annotated, Section 55-50-321(a), is amended by adding the following language at the end of the subsection:

In addition to such fee, a ten dollar (\$10.00) non refundable fee, which shall constitute expendable receipts of the department, shall be assessed to an applicant at the time such person applies to retake either the written or skills portion of the examination for a driver license which such person failed. These expendable receipts shall be utilized by the department for personnel, supplies, space requirements, or other operational expenditures to efficiently implement the provisions of this part. The department shall impose a reasonable waiting period of time before a person is authorized to retake the portion or portions of such examination which such person failed.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Turner (Davidson) moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes .....	49
Noes .....	41

Representatives voting aye were: Armstrong, Arriola, Bone, Boyer, Briley, Brooks, Brown, Buck, Caldwell, Chumney, Cooper, Curtiss, Davidson, Davis (Cocke), DeBerry L, Fitzhugh, Garrett, Hargrove, Head, Hood, Jones S, Kernell, Kisber, Langster, Lewis, Maddox, McDaniel, McKee, McMillan, Miller, Odom, Phelan, Phillips, Pinion, Rhinehart, Ridgeway, Sands, Shaw, Shepard, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Walker, White, Williams, Windle, Winningham, Mr. Speaker Naifeh – 49.

Representatives voting no were: Baird, Beavers, Bittle, Black, Bunch, Clem, Cole (Carter), Cole (Dyer), Davis (Washington), Dunn, Ferguson, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hargett, Johnson, Jones U, Kent, McCord, Montgomery, Mumpower, Newton, Overbey, Patton, Pleasant, Pruitt, Roach, Rowland, Sargent, Scroggs, Sharp, Stanley, Todd, Vincent, West, Westmoreland, Whitson, Wood -- 41.

Rep. Turner (Davidson) moved adoption of Amendment No. 5 as follows:

**Amendment No. 5**

AMEND House Bill No. 26 by deleting in its entirety subdivision (C) from the amendatory language of §55-50-102(41) in Section 2 of the bill as amended by House Finance, Ways and Means Committee Amendment No. 1, and by adding the word "or" at the end of subdivision (B) in such section.

On motion, Amendment No. 5 was adopted.

Rep. Turner (Davidson) moved adoption of Amendment No. 6 as follows:

**Amendment No. 6**

AMEND House Bill No. 26 By adding the following language to amendatory subdivision (1)(C) of Section 1, as amended, immediately preceding the last sentence of the subdivision:

For purposes of this subdivision a post office box or a mail box maintained at private mail centers shall not meet the requirement as a valid Tennessee residence address.

On motion, Amendment No. 6 was adopted.

Rep. Turner (Davidson) moved that **House Bill No. 26**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	77
Noes .....	13
Present and not voting .....	4

## FRIDAY, JUNE 29, 2001 – FIFTY-NINTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), DeBerry L, Dunn, Fitzhugh, Fowlkes, Garrett, Hagood, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kernell, Kisber, Langster, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Shaw, Shepard, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 77.

Representatives voting no were: Ferguson, Ford, Fraley, Givens, Godsey, Goins, Kent, McCord, Pleasant, Rowland, Tidwell, Todd, Westmoreland -- 13.

Representatives present and not voting were: Bunch, Hargett, Sharp, Stanley -- 4.

A motion to reconsider was tabled.

**House Bill No. 1727** -- Boards and Commissions - Requires all members of boards and commissions, established pursuant to title 62 and title 63, to be Tennessee residents during their tenure of membership on such boards and commissions. Amends TCA Title 4, Title 62 and Title 63. by \*DeBerry L. (\*SB1449 by \*Person)

Rep. L. DeBerry moved that House Bill No. 1727 be held on the Clerk's desk, which motion prevailed.

**\*House Bill No. 1943** -- Appropriations - Appropriates funds to fund state government in fiscal years 2000-2002. by \*McDaniel, \*Kisber. (SB1914 by \*Henry, \*Atchley)

Further consideration of House Bill No. 1943 previously considered on today's Calendar.

On motion, House Bill No. 1943 was moved to the heel of the Supplemental Message Calendar.

## SUPPLEMENTAL MESSAGE CALENDAR

### HOUSE ACTION ON SENATE MESSAGE

**\*House Bill No. 1828** -- Private Protective Services - Removes requirement that armed private security guards/officers must obtain written directive from chief law enforcement officer in county in which they operate. Amends TCA Title 62, Chapter 35, Part 1. by \*West. (SB1878 by \*Rochelle)

Rep. West moved that House Bill No. 1828 be held on the Clerk's desk, which motion prevailed.

**HOUSE ACTION ON SENATE MESSAGE**

**MOTION TO RECONSIDER**

Rep. Armstrong moved to lift from the table the motion to reconsider action in nonconcurring in Senate Amendment(s) No(s). 1 to House Bill No. 1385, which motion prevailed.

**\*House Bill No. 1385** -- Hospitals and Health Care Facilities - Adds renal dialysis clinics to list of health care facilities licensed and regulated by department of health. Amends TCA Title 68, Chapter 11. by \*Armstrong, \*McDaniel, \*Pruitt. (SB1662 by \*Ford J, \*Atchley)

Rep. Armstrong moved to reconsider action in nonconcurring in Senate Amendment(s) No(s). 1 to House Bill No. 1385, which motion prevailed.

On motion, the House withdrew its action in nonconcurring in Senate Amendment(s) No(s). 1.

**Senate Amendment No. 1**

AMEND House Bill No. 1385 By adding the following language as a new section immediately preceding the last section in the bill as printed and by appropriately renumbering the last section:

SECTION \_\_\_\_ Tennessee Code Annotated, Section 68-11-204(a)(1), is amended by adding the following sentence at the end of the subsection:

Licensure for renal dialysis clinics shall begin on July 1, 2002.

AND FURTHER AMEND by adding the following language as a new section immediately preceding the last section in the bill as printed and by appropriately renumbering the last section:

SECTION \_\_\_\_ Tennessee Code Annotated, Subsection 68-11-209(a), is further amended designating the existing subsection "a" as "(a)(1)" and by adding the following language as a new subdivision "(a)(2)":

(2) For renal dialysis clinics, any rules promulgated after July 1, 2001, but before January 1, 2004, shall not be implemented until January 1, 2004. In addition to any filing or hearing required by Tennessee Code Annotated, Title 4, Chapter 5, regarding such initial rules for renal dialysis clinics, the department shall file a notice of proposed rulemaking concerning such rules promulgated pursuant this act with the house health and human resources committee and the senate general welfare, health and human resources committees at least thirty (30) days prior to the filing of such rules with the secretary of state pursuant to Tennessee Code Annotated, Title 4, Chapter 5. The department shall present the substance of such rules in hearings before the previously named committees before the hearing of such rule by the government operations committees. No rule may be filed with the secretary of state, unless the department has complied with the provisions of this section.

Rep. Armstrong moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 1385, which motion prevailed by the following vote:

Ayes .....98  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

## HOUSE ACTION ON SENATE MESSAGE

### MOTION TO RECONSIDER

Rep. Armstrong moved to lift from the table the motion to reconsider action in nonconcurring in Senate Amendment(s) No(s). 2 to House Bill No. 1385, which motion prevailed.

**\*House Bill No. 1385** -- Hospitals and Health Care Facilities - Adds renal dialysis clinics to list of health care facilities licensed and regulated by department of health. Amends TCA Title 68, Chapter 11. by \*Armstrong, \*McDaniel, \*Pruitt. (SB1662 by \*Ford J, \*Atchley)

Rep. Armstrong moved to reconsider action in nonconcurring in Senate Amendment(s) No(s). 2 to House Bill No. 1385, which motion prevailed.

On motion, the House withdrew its action in nonconcurring in Senate Amendment(s) No(s). 2.

### Senate Amendment No. 2

AMEND House Bill No. 1385 By deleting the following language added by House Amendment 1 [HA 419]:

SECTION \_\_\_\_\_. In addition to any filing or hearing required by Tennessee Code Annotated, Title 4, Chapter 5, the department shall file a notice of proposed rulemaking concerning any rules promulgated pursuant to the provisions of this act with the house health and human resources committee and the senate general welfare, health and human resources committee at least thirty (30) days prior to the filing of such rule with the secretary of state pursuant to Tennessee Code Annotated, Title 4, Chapter 5. The department shall offer to present the substance of such rules in hearings to the house health and human resources committee and the senate general welfare, health and human resources committee before the hearing of such rule by the government operations committees. No such rule may be filed with the secretary of state unless the department has complied with the provisions of this section.

SECTION \_\_\_\_\_. The provisions of this act shall expire on July 1, 2003.

Rep. Armstrong moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 1385**, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

#### MOTION TO RESET BILL

Rep. S. Jones moved that House Bill No. 1283 be reset for the Regular Calendar on July 12, 2001, which motion prevailed.

#### MESSAGE FROM THE SENATE June 29, 2001

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 58.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.



**HOUSE ACTION ON SENATE MESSAGE**

**\*Senate Bill No. 58** -- Sunset Laws - Tennessee higher education commission, June 30, 2005. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 7. by \*Harper, \*Haynes. (HB974 by \*Kernell, \*Brooks, \*Cooper B)

**CONFERENCE COMMITTEE REPORT  
ON SENATE BILL NO. 58**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on Senate Bill No. 58 (House Bill No. 974) has met and recommends that the following amendments be deleted:

House Amendment #1

House Amendment #2

House Amendment #3

The Committee further recommends that the following amendment be adopted:

By deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-222(a), is amended by deleting item (54) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 4-29-224(a), is amended by adding a new item thereto, as follows:

( ) Tennessee higher education commission, created by Section 49-7-201;

SECTION 3. Tennessee Code Annotated, Section 49-7-202(c), is amended by deleting subdivision (8) in its entirety.

SECTION 4. Tennessee Code Annotated, Section 49-7-702, is amended by deleting such section in its entirety.

SECTION 5. Tennessee Code Annotated, Section 49-7-401(b), is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(2) Funding for the Meharry family practice residency program shall not exceed fifty thousand dollars (\$50,000) per year per resident in training.

SECTION 6. Tennessee Code Annotated, Section 49-7-402(b), is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(2) Funding for the Meharry preventive medicine residency program shall not exceed fifty thousand dollars (\$50,000) per year per resident in training.

SECTION 7. Tennessee Code Annotated, Section 49-7-404(b), is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(2) Funding for the Meharry general dentistry residency program shall not exceed (\$40,000) per year per resident in training.

SECTION 8. The general assembly hereby directs the Tennessee higher education commission to continue to develop and enhance the Tennessee pre-law and pre-health science fellowship program. The Tennessee higher education commission shall continue to report to the general assembly on the progress of such program, including the number of participants, the professional schools that they attend, and the graduation rates of such students.

SECTION 9. There is hereby created a study group to review the structure and responsibilities of the Tennessee higher education commission. The review should include but not be limited to: the composition and appointment process of commission members; the effectiveness of the commission in guiding the higher education master plan of the state; the authority and responsibility of the commission pertaining to matters of program offerings, duplication of programs and approval of new programs; an evaluation of how the commission functions in comparison to higher education coordinating bodies in other states; and the role the commission should play in establishing and overseeing measures of performance of public higher education. The study group shall be composed of two (2) individuals designated by the governor, one (1) individual designated by the speaker of the senate and one (1) individual designated by the speaker of the house as they may determine. It is the intent that the results of the review provided for in this section shall be completed by January 1, 2002 and shall become the basis for legislation aimed at strengthening the Commission's role in the structure of public higher education governance in Tennessee. The office of the comptroller of the treasury, the office of legislative budget analysis and the division of budget in the department of finance and administration shall provide staff resources to the study group as may be requested.

Section 10. This act shall take effect July 1, 2001, the public welfare requiring it.

Senator Thelma Harper	Representative Eugene Davidson
Senator Ben Atchley	Representative Michael Kernell
Senator Ward Crutchfield	Representative Matthew Kisber
Senator Randy McNally	Representative Zane Whitson
Senator Joe Haynes	Representative Ronnie Davis

Rep. Davidson moved that the Report of the Conference Committee on **Senate Bill No. 58** be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes .....	98
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

### **HOUSE ACTION ON SENATE MESSAGE**

**House Bill No. 1678** -- Gambling - Redefines criminal offense of gambling to clarify that any form of casino gambling is prohibited; clarifies that lotteries do not include electronic or electromechanical forms of casino gambling. Amends TCA Title 39, Chapter 17, Part 5. by \*Maddox, \*McDaniel, \*Fitzhugh, \*Boyer, \*Ridgeway, \*Shepard, \*Pinion, \*Roach, \*McKee, \*Briley, \*Vincent. ("SB1717 by \*McNally, \*Herron, \*Williams, \*Miller J, \*Burks)

Further consideration of House Bill No. 1678 previously considered on today's Message Calendar.

### **CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 1678**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 1678 (Senate Bill No. 1717) has met and recommends that the following amendments be deleted:

House Amendments # 1 and # 17 and Senate Amendments # 7 and # 9

The Committee further recommends that the following amendment be adopted:

Senate Amendment # 11 which reads as follows:

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-501, is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) Gambling is contrary to the public policy of this state and shall mean risking anything of value for a profit whose return is to any degree contingent on chance or any games of chance associated with casinos including but not limited to slot machines, roulette wheels and the like. For the purposes of this chapter gambling does not include:

(A) A lawful business transaction;

(B) Annual events operated for the benefit of charitable 501(c)(3) organizations that are authorized pursuant to a two-thirds (2/3) approval of the general assembly, so long as such events are not prohibited by the Constitution; and

(C) A state lottery of the type such as is in operation in Georgia, Kentucky, and Virginia in 2000 and authorized by amendment to the Constitution, if such lottery is approved by the general assembly.

SECTION 2. This act shall take effect July 1, 2001, the public welfare requiring it.

Senator Curtis Person	Representative Mark Maddox
Senator Randy McNally	Representative Chris Newton
Senator Doug Jackson	Representative Joe Kent
	Representative Rob Briley

Rep. Dunn moved the previous question, which motion prevailed.

Rep. Maddox moved that the Report of the Conference Committee on **House Bill No. 1678** be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes .....	69
Noes .....	22
Present and not voting .....	3

Representatives voting aye were: Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Goins, Hagood, Hargett, Hargrove, Harwell, Hood, Johnson, Kent, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Overbey, Patton, Phillips, Pinion, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Shaw, Shepard, Stanley, Tindell, Todd, Turner (Davidson), Vincent, Walker, Westmoreland, White, Whitson, Windle, Winningham, Wood -- 69.

Representatives voting no were: Armstrong, Arriola, Brooks, Brown, Cooper, DeBerry L, Head, Jones S, Jones U, Langster, Miller, Odom, Phelan, Pleasant, Pruitt, Sharp, Towns, Turner (Hamilton), Turner (Shelby), West, Williams, Mr. Speaker Naifeh -- 22.

Representatives present and not voting were: Chumney, Godsey, Kernell -- 3.

A motion to reconsider was tabled.

## RECESS MOTION

On motion, the House stood in recess until 7:00 p.m.

**ENGROSSED BILLS**

**June 29, 2001**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 460, 581, 586 and 587.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**

**June 29, 2001**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 968.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**

**June 29, 2001**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 26.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

**June 29, 2001**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 579, with his approval.

JAY BALLARD, Counsel to the Governor.

**MESSAGE FROM THE SENATE**

**June 29, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1914; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Bill No. 1914** -- Appropriations - Appropriates funds to fund state government in fiscal years 2000-2002. by \*Henry, \*Atchley. (\*HB1943 by \*McDaniel, \*Kisber)

**MESSAGE FROM THE SENATE**

**June 29, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1678.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 29, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 458; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Joint Resolution No. 458** -- Memorials, Sports - Roy South, Co-Champion 2000 Shooting Clays of America National Championship. by \*Davis L.

**MESSAGE FROM THE SENATE**

**June 29, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 461; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Joint Resolution No. 461** -- General Assembly, Recess & Reconvene - Recesses General Assembly from close of business on June 29, 2001 to July 5, 2001. by \*Crutchfield.

**ENROLLED BILLS**

**June 29, 2001**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 174 and 175; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**June 29, 2001**

The Speaker signed the following: House Resolution(s) No(s). 174 and 175.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**June 29, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 54, 58 and 76; for the signature of the Speaker.

RUSSELL A. HUMPHREY Chief Clerk.

**MESSAGE FROM THE GOVERNOR**  
**June 29, 2001**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1155, 1170, 2033 and 2035, with his approval.

JAY BALLARD, Counsel to the Governor.

**RECESS EXPIRED**

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

**ROLL CALL DISPENSED WITH**

On motion of Rep. Davidson, the roll call was dispensed with.

**SUPPLEMENTAL REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 1943** -- Appropriations - Appropriates funds to fund state government in fiscal years 2000-2002. by \*McDaniel, \*Kisber. (SB1914 by \*Henry, \*Atchley)

Further consideration of House Bill No. 1943 previously considered on today's Calendar.

On motion, House Bill No. 1943 was made to conform with **Senate Bill No. 1914**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 1914 be passed on third and final consideration.

On motion, Rep. Kisber withdrew Finance, Ways and Means Committee Amendment No. 1.

Rep. Kisber moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Kisber moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Winningham moved adoption of Amendment No. 4 as follows:

**Amendment No. 4**

AMEND Senate Bill No. 1914 by deleting from Section 10 (H #0377) the following language:

Item \_\_\_\_\_. Notwithstanding any provision of this act to the contrary, no funds appropriated by the provisions of this act for the Basic Education Program shall be disbursed. Such appropriations made in this act are made pursuant to Tennessee Code Annotated, Section 49-3-304.

Rep. Kisber moved that Amendment No. 4 be tabled, which motion failed by the following vote:

Ayes .....37  
Noes .....57

Representatives voting aye were: Armstrong, Boyer, Briley, Caldwell, Cole (Carter), Cole (Dyer), Cooper, DeBerry L, Fitzhugh, Ford, Givens, Hargrove, Head, Jones U, Kent, Kernell, Kisber, McCord, McDaniel, McKee, McMillan, Miller, Newton, Overbey, Patton, Phelan, Rhinehart, Rinks, Sargent, Scroggs, Shaw, Tidwell, Turner (Hamilton), Westmoreland, White, Williams, Mr. Speaker Naifeh -- 37.

Representatives voting no were: Arriola, Baird, Beavers, Bittle, Black, Bone, Brooks, Brown, Buck, Bunch, Buttry, Clem, Curtiss, Davidson, Davis (Washington), DeBerry J, Dunn, Ferguson, Fowlkes, Fraley, Garrett, Godsey, Goins, Hagood, Hargett, Harwell, Hood, Johnson, Jones S, Langster, Lewis, Maddox, McDonald, Montgomery, Mumpower, Odom, Phillips, Pleasant, Pruitt, Ridgeway, Roach, Rowland, Sands, Sharp, Shepard, Stanley, Tindell, Todd, Towns, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Windle, Winningham, Wood -- 57.

Rep. Hargett moved the previous question on Amendment No. 4, which motion failed by the following vote:

Ayes .....48  
Noes .....37  
Present and not voting .....1

Representatives voting aye were: Baird, Beavers, Bittle, Black, Bone, Buck, Bunch, Clem, Curtiss, Davidson, Davis (Cocke), Dunn, Ferguson, Ford, Fowlkes, Fraley, Garrett, Godsey, Goins, Hargett, Harwell, Hood, Johnson, Jones S, McCord, McDonald, Montgomery, Mumpower, Newton, Odom, Patton, Phillips, Rhinehart, Roach, Rowland, Sargent, Scroggs, Sharp, Stanley, Todd, Turner (Davidson), Vincent, West, Westmoreland, Whitson, Windle, Winningham, Wood -- 48.

Representatives voting no were: Armstrong, Arriola, Boyer, Briley, Brown, Buttry, Chumney, Cole (Carter), Cole (Dyer), Cooper, Davis (Washington), DeBerry L, Fitzhugh, Givens, Hagood, Hargrove, Kent, Kisber, Maddox, McDaniel, McKee, McMillan, Miller, Overbey, Phelan, Pleasant, Ridgeway, Rinks, Shaw, Shepard, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, White -- 37.



## FRIDAY, JUNE 29, 2001 – FIFTY-NINTH LEGISLATIVE DAY

Representatives present and not voting were: Kernell – 1.

After further debate, Rep. Newton moved the previous question on Amendment No. 4, which motion prevailed by the following vote:

Ayes .....	64
Noes .....	24
Present and not voting .....	1

Representatives voting aye were: Baird, Beavers, Bittle, Black, Bone, Boyer, Brooks, Buck, Bunch, Caldwell, Chumney, Clem, Cole (Carter), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), Dunn, Ferguson, Ford, Fowlkes, Fraley, Garrett, Goins, Hagood, Harwell, Hood, Johnson, Jones S, Jones U, Kent, Kisber, Langster, McCord, McDaniel, McDonald, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phillips, Pleasant, Pruitt, Rhinehart, Roach, Rowland, Sargent, Scroggs, Shaw, Tindell, Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, Whitson, Windle, Winningham, Wood -- 64.

Representatives voting no were: Armstrong, Arriola, Briley, Brown, Buttry, Cole (Dyer), Fitzhugh, Givens, Hargett, Hargrove, Maddox, McKee, McMillan, Phelan, Ridgeway, Rinks, Sharp, Shepard, Stanley, Tidwell, Todd, Towns, Turner (Hamilton), White -- 24.

Representatives present and not voting were: Kernell – 1.

On motion, Amendment No. 4 failed by the following vote:

Ayes .....	39
Noes .....	51

Representatives voting aye were: Arriola, Baird, Beavers, Black, Bone, Brooks, Brown, Bunch, Chumney, Clem, Davidson, DeBerry J, Ferguson, Fitzhugh, Fowlkes, Garrett, Godsey, Goins, Hargett, Hargrove, Hood, Johnson, Jones S, Maddox, McDonald, Odom, Pleasant, Ridgeway, Roach, Rowland, Sharp, Shepard, Stanley, Tidwell, Tindell, Todd, West, Windle, Winningham -- 39.

Representatives voting no were: Armstrong, Bittle, Boyer, Buck, Buttry, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davis (Washington), DeBerry L, Dunn, Ford, Fraley, Givens, Hagood, Harwell, Head, Jones U, Kent, Kernell, Kisber, McCord, McDaniel, McKee, Miller, Montgomery, Mumpower, Overbey, Patton, Phelan, Phillips, Rhinehart, Rinks, Sands, Sargent, Scroggs, Shaw, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, Westmoreland, White, Whitson, Williams, Wood, Mr. Speaker Naifeh -- 51.

A motion to reconsider was tabled.

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from aye to no on Amendment No. 4 to Senate Bill No. 1914 and have this statement entered in the Journal: Rep(s). Fitzhugh.

**SUPPLEMENTAL REGULAR CALENDAR, CONTINUED**

Rep. Westmoreland moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Kisber moved that Amendment No. 6 be withdrawn, which motion prevailed.

Rep. Ridgeway moved that Amendment No. 7 be withdrawn, which motion prevailed.

Rep. Kisber moved that **Senate Bill No. 1914** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	98
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Windle moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 458 out of order, which motion prevailed.

**Senate Joint Resolution No. 458** -- Memorials, Sports - Roy South, Co-Champion 2000 Shooting Clays of America National Championship. by \*Davis L.

On motion of Rep. Windle, the resolution was concurred in.

A motion to reconsider was tabled.

**RECESS MOTION**

On motion, the House stood in a brief recess.

**MESSAGE FROM THE SENATE**

**June 29, 2001**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 40.

The Senate adopted the Minority Conference Committee Report No. 1 and made it the action of the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 29, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 456, 457 and 458; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**June 29, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1914; for the signature of the Speaker.

RUSSELL A. HUMPHREY Chief Clerk.

**SIGNED**

**June 29, 2001**

The Speaker signed the following: Senate Bill(s) No(s). 54, 58, 76; also, Senate Joint Resolution(s) No(s). 456, 457 and 458.

**SIGNED**

**June 29, 2001**

The Speaker signed the following: Senate Bill(s) No(s). 1914.

**RECESS EXPIRED**

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

**ROLL CALL DISPENSED WITH**

On motion of Rep. Davidson, the roll call was dispensed with.

**HOUSE ACTION ON SENATE MESSAGE**

**\*Senate Bill No. 40** – Sunset Laws - Judicial selection commission, June 30, 2007; limits members to two terms. Amends TCA Title 4, Chapter 29 and Title 17, Chapter 4. by \*Harper. (HB1614 by \*Kernell, \*Brooks, \*Cooper B)

**MINORITY CONFERENCE COMMITTEE REPORT NO. 1  
ON SENATE BILL NO. 40**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on Senate Bill No. 40 (House Bill No. 1614) has met and recommends that the following amendment be deleted:

**House Amendment # 4**

The Committee further recommends that the following amendment be adopted:

by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_ Tennessee Code Annotated, Section 17-4-102, is amended by deleting from the first sentence of subsection (a) the language "fifteen (15)" and substituting instead the language "seventeen (17)".

SECTION \_\_\_\_ Tennessee Code Annotated, Section 17-4-102, is further amended by deleting the word "and" at the end of subsection (a)(4); by deleting the period at the end of subsection (a)(5) and substituting instead a semi-colon and the word "and"; and by adding the following language as a new subsection (a)(6):

(a)(6) Two (2) members who shall be lawyers but who shall not be nominated by a group. Prior to making such appointments, the speakers shall consult with each other and shall attempt to achieve a balance between the two (2) appointee's primary areas of law practice.

SECTION \_\_\_\_ Tennessee Code Annotated, Section 17-4-102, is further amended by deleting from the first sentence of subsection (b)(1) the language "conference and one (1) of the nonlawyer members" and substituting instead the language "conference, one (1) of the nonlawyer members and one (1) of the lawyer members not nominated by a group".

SECTION \_\_\_\_ Tennessee Code Annotated, Section 17-4-102, is further amended by deleting from the second sentence of subsection (b)(1) the language "lawyers and one (1) of the nonlawyer members" and substituting instead the language "lawyers, one (1) of the nonlawyer members and one (1) of the lawyer members not nominated by a group".

SECTION \_\_\_\_ Tennessee Code Annotated, Section 17-4-102, is further amended by adding the following new subsection (e)(3):

(3) The initial term of the lawyer members not nominated by a group shall be for four (4) years.

Senator Larry Trail	Representative Frank Buck
Senator Joe Haynes	Representative Lois DeBerry
Senator David Fowler	Representative Ken Givens
	Representative Chris Newton
	Representative Bob McKee

Rep. Buck moved that the Minority Report No. 1 of the Conference Committee on **Senate Bill No. 40** be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE**  
**June 29, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 968; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

HOUSE ACTION ON SENATE AMENDMENTS

**House Bill No. 968** -- Administrative Procedure (UAPA) - Extends certain agency rules scheduled to expire pursuant to UAPA. by \*Kernell, \*Brooks, \*Cooper B. (\*SB805 by \*Harper)

**Senate Amendment No. 3**

AMEND House Bill No. 968 By adding the following as a new section to precede the effective date section:

SECTION \_\_\_\_.

(a) No changes in adult to child ratios pursuant to Rules 1240-4-3-.07(4)(e)(2), as described in the Grouping and Adult:Child Ratio Charts in parts 9 and 10, shall be implemented or become operational until July 1, 2002.

(b) The adult to child ratios pursuant to Rule 1240-4-3-.07(4)(e)(1), as described in the Grouping and Adult:Child Ratio Charts in parts 7 and 8, shall remain in effect through June 30, 2002, or until such rule is later amended, repealed or superseded by law.

Rep. Kernell moved that the House nonconcur in Senate Amendment(s) No(s). 3 to **House Bill No. 968**, which motion prevailed.

**Senate Amendment No. 4**

AMEND House Bill No. 968 By adding the following new sections to precede the effective date section:

SECTION \_\_\_\_ Public Chapter 327 of the Public Acts of 2001 is amended in subsection (c) of Section 10 by deleting the language "in 1990" and by substituting instead the language "in 1991".

SECTION \_\_\_\_ If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Rep. Kernell moved that the House concur in Senate Amendment(s) No(s). 4 to **House Bill No. 968**, which motion prevailed by the following vote:

Ayes .....98  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

### RULES SUSPENDED

On motion of Rep. Davidson, and seconded by Rep. McDaniel, the rules were suspended to allow the following bills to be introduced and passed on first consideration:

**\*House Bill No. 2038** -- Appropriations - Appropriates funds for 2001-2002. by \*Kisber.

### MESSAGE FROM THE SENATE

June 29, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 968.

The Senate refused to recede from its action in adopting Amendment(s) No(s). 3.

RUSSELL A. HUMPHREY, Chief Clerk.

### HOUSE ACTION ON SENATE MESSAGE

**House Bill No. 968** -- Administrative Procedure (UAPA) - Extends certain agency rules scheduled to expire pursuant to UAPA. by \*Kernell, \*Brooks, \*Cooper B. (\*SB805 by \*Harper)

Rep. Kernell moved that the House refuse to recede from its action in nonconcurring in Senate Amendment(s) No(s). 3 to **House Bill No. 968**, which motion prevailed.

### CONFERENCE COMMITTEE APPOINTED ON HOUSE BILL NO. 968

Pursuant to **Rule No. 73**, Representative Kernell moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 968, which motion prevailed.

The Speaker appointed Representatives Kernell, Caldwell, Chumney, Black and Harwell as the House members of the Conference Committee on House Bill No. 968.

**MESSAGE FROM THE SENATE**

**June 29, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 968.

The Senate refused to recede from its action in adopting Amendment(s) No(s). 3.

The Speaker appointed a Conference Committee composed of Senators Blackburn, Kurita, Jackson, Person and Kyle to confer with a like Committee from the House to resolve the differences of the two bodies on House Bill No. 968.

RUSSELL A. HUMPHREY, Chief Clerk.

**HOUSE ACTION ON SENATE MESSAGE**

**House Bill No. 968** -- Administrative Procedure (UAPA) - Extends certain agency rules scheduled to expire pursuant to UAPA. by \*Kernell, \*Brooks, \*Cooper B. (\*SB805 by \*Harper)

**CONFERENCE COMMITTEE REPORT  
ON HOUSE BILL NO. 968**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 968 (Senate Bill No. 805) has met and recommends that the following amendments be deleted:

House Amendment No. 2

Senate Amendment No. 3

The Conference Committee recommends the following amendments be adopted:

House Amendment No. 1

Senate Amendment No. 4

The Committee further recommends that the following amendment be adopted:

By adding the following section to precede the effective date section:

SECTION \_\_\_\_\_. By adding the following as a new section to precede the effective date section:

SECTION \_\_\_\_\_. (a) No changes in adult to child ratios for ages 0 through 35 months pursuant to Rules 1240-4-3-.07(4)(e) parts (2), (3), and (4), Child Care Centers Serving Pre-School Age Children as described in the Grouping and Adult:Child Ratio Charts in parts 9-14, that were enacted by public necessity rule on July 1, 2000, and by permanent rule on December 13, 2000, and which are scheduled to become effective on July 1, 2001, shall be implemented or become operational until February 1, 2002.



(b) The adult to child ratios for ages 0 through 35 months pursuant to Rule 1240-4-3-.07(4)(e), as described in the Grouping and Adult:Child Ratio Charts in parts 7 and 8, that were enacted by public necessity rule on July 1, 2000, and by permanent rule on December 13, 2000, and which are scheduled to become effective on July 1, 2001, shall remain in effect until February 1, 2002.

(c) No changes in adult to child ratios pursuant to Rules 1240-4-6-.07(4)(f)(1), of the licensure rules for Child Care Centers Serving School Age Children as described in the Grouping and Adult:Child Ratio Charts, that were enacted by public necessity rule on July 1, 2000, and by permanent rule on December 13, 2000, and which are scheduled to become effective on July 1, 2001, shall be implemented or become operational until February 1, 2002.

(d) The adult to child ratios for ages 0 through 35 months pursuant to Rule 1240-4-6-.07(4)(f) part (1), as described in the Grouping and Adult:Child Ratio Charts that were enacted by public necessity rule on July 1, 2000, and by permanent rule on December 13, 2000, and which are scheduled to become effective on July 1, 2001, shall remain in effect until February 1, 2002.

Senator Marsha Blackburn	Representative Diane Black
Senator Rosalind Kurita	Representative Gene Caldwell
Senator Doug Jackson	Representative Carol Chumney
Senator Curtis Person	Representative Beth Harwell
	Representative Mike Kernell

Rep. Caldwell moved that the Report of the Conference Committee on **House Bill No. 968** be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	2

Representatives voting aye were: Armstrong, Arriola, Baird, Bittle, Black, Bone, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Beavers, Curtiss -- 2.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Davidson moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 461 out of order, which motion prevailed.

**Senate Joint Resolution No. 461** -- General Assembly, Recess & Reconvene - Recesses General Assembly from close of business on June 29, 2001 to July 5, 2001. by \*Crutchfield.

On motion of Rep. Davidson, the resolution was concurred in.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE**  
**June 29, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 968.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**ENROLLED BILLS**  
**June 29, 2001**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 968, 1385 and 1678.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**  
**June 29, 2001**

The Speaker signed the following: House Bill(s) No(s). 968, 1385 and 1678.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**June 29, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 968, 1385 and 1678; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**FRIDAY, JUNE 29, 2001 – FIFTY-NINTH LEGISLATIVE DAY**

**REPORT OF CHIEF ENGROSSING CLERK**  
**June 29, 2001**

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 968, 1385 and 1678.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**  
**June 29, 2001**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 968, 1618, also, House Joint Resolution(s) No(s). 551, 569, 577 and 578; with his approval.

JAY BALLARD, Counsel to the Governor.

**RECESS MOTION**

On motion of Rep. Davidson, the House stood in recess until 4:00 p.m., Thursday, July 5, 2001.